

REPRESENTATIVES OF ALBERT TISON.

MAY 25, 1842.

Read, and laid upon the table.

Mr. MOORE, from the Committee on Private Land Claims, submitted the following

REPORT:

*The Committee on Private Land Claims, to whom was referred the petition of the legal representatives of Albert Tison, deceased, report:*

That they have had the same under consideration, and are of opinion that the prayer of the petitioners ought not to be granted.

The petitioners state that they presented their claims to the commissioners appointed under the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and an act, supplementary thereto, approved March, 1833, and that the said commissioners placed their claims in the second class; that the 3d section of the act of 1832 provides that the "lands contained in the second class shall be subject to sale as other public lands;" and they protest against the decision of the said board, as going to deprive them of what is justly and equitably their property, and pray that their claims may be confirmed: and further state that "they have expended large sums of money in surveying and paying taxes, and other numerous expenses;" and, if Congress will not confirm the claims, that, at least, a law will be passed ordering that all sums paid for surveying, taxes, or otherwise, be reimbursed with interest, &c. The claim is for eight several tracts, of 800 arpens each, and placed on the reports of said commissioners as numbers 128 and 137, inclusive, in the second class, (Senate document 16, 24th Congress, 1st session, page 361 to 377.)

The first is a concession to Gabriel Constant, dated 24th March, 1800, surveyed 13th February, 1804. Gabriel Constant, as a witness on the part of the United States, sworn, says that "he never applied for the aforesaid concession; that the above claimant offered him one, but cannot tell when." The decision of the board is in these words: "The board are unanimously of opinion that this claim ought not be confirmed." For reasons, see decision in the claim of Lewis Laurabee, (No. 80.) In this last case the commissioners say: "The board have decided to place them in the second class, believing them to have been founded on an extensive scheme of speculation unknown to the Governor," &c. The provisions of the act of 1832, quoted, make it the duty of the commissioners to receive claims and evidence upon all unconfirmed, incomplete grants, &c., made by the authority of France and Spain, prior to the 10th March,

1804, and to class the same, so as to show, *first*, what claims, in their opinion, would, in fact, have been confirmed according to the laws, usages, and customs of the Spanish Government; *secondly*, what claims, in their opinion, were destitute of merit, and to report the same to be laid before Congress. The 3d section provides that, after a final report of the commissioners, *the land contained* in the second class shall be subject to sale as other public lands, but gives a right of pre-emption to every actual settler, being a housekeeper on such lands, being a claimant and receiving his claim. The supplementary act of 1833 extends the time of taking testimony two years, and gives power to the commissioners to report donation claims. By an act approved in 1836, the first class of claims, except some few named, were confirmed.

These acts of Congress were intended to put an end to further legislation on the subject; and it would be a most injudicious course of policy, after a decision made by a board of commissioners thus constituted, acting under such liberal laws, and after Congress has solemnly passed upon the report, to undertake to pass again upon the individual claims: it will subject Congress to great loss of time and trouble, and the nation to useless and uncalled for expense. This conclusion is the more readily come to by reason that, if the grants are genuine, and all the conditions required by the Spanish customs and regulations have been fulfilled, a remedy still remains to the claimants by recourse to the tribunals of the country, under treaty stipulations, where the land shall have been sold by the United States. We therefore report the following resolution:

*Resolved*, That the claim for land by the heirs and legal representatives of Albert Tison ought not to be allowed.